

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELONZA HART
1511 N. 54th Street
Philadelphia, PA 19131

Plaintiff,

v.

CONNECT AMERICA.COM, LLC
2193 West Chester Pike
Broomall, PA 19008
and
MICHAEL MCCORMACK
c/o Connect America.com LLC
2193 West Chester Pike
Broomall, PA 19008

Defendants.

CIVIL ACTION

No.:

JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT

Plaintiff, Elonza Hart (hereinafter referred to as "Plaintiff"), by and through his undersigned counsel, hereby avers as follows:

I. Introduction

1. Plaintiff initiates the instant action to redress violations by Defendants of 42 U.S.C. § 1981, and applicable state law(s). Plaintiff was unlawfully terminated by Defendants, and he seeks damages as set forth herein.

II. Jurisdiction and Venue

2. This action is initiated pursuant to a federal law. The United States District Court for the Eastern District of Pennsylvania has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the claims arise under the laws of the United States.

3. This Court may properly maintain personal jurisdiction over Defendants because their contacts with this state and this judicial district are sufficient for the exercise of jurisdiction in order to comply with traditional notions of fair play and substantial justice, satisfying the standard set forth by the United States Supreme Court in International Shoe Co. v. Washington, 326 U.S. 310 (1945) and its progeny.

4. Venue is properly laid in this District pursuant to 28 U.S.C. §§ 1391(b)(1) and (b)(2), because Defendants reside in and/or conduct business in this judicial district and because a substantial part of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district.

III. Parties

5. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

6. Plaintiff is an adult individual, with an address as set forth in the caption.

7. Defendant Connect America.com LLC (“Defendant Corporation”) is a corporation providing home medical alert systems.

8. Defendant Michael McCormick (hereinafter “Defendant McCormick”) is upon information and belief a high-level manager of Defendant Corporation who controls and manages the terms and conditions of employment for employees who work for Defendant Entity including but not limited to their termination.

9. At all times relevant herein, Defendants acted by and through their agents, servants and employees, each of whom acted at all times relevant herein in the course and scope of their employment with and for Defendants.

IV. Factual Background

10. The foregoing paragraphs are incorporated here in their entirety as if set forth in full.

11. Plaintiff is an African-American male.

12. Plaintiff was employed by Defendant Corporation for approximately two months as a senior safety consultant.

13. Plaintiff was employed by Defendant Corporation at its Media, Pennsylvania location.

14. During Plaintiff's employment with Defendants Corporation, Plaintiff was supervised by Defendant McCormick.

15. Plaintiff was subjected to racial discrimination by Defendant Corporation's management including by Defendant McCormick.

16. The aforementioned discrimination included but was not limited to subjecting Plaintiff to higher standards than non-black employees.

17. Defendant McCormick also made derogatory comments about Plaintiff and treated Plaintiff in an abrasive manner unlike his non-black coworkers.

18. Plaintiff made complaints to Defendant Corporation's management regarding the racially discriminatory treatment he was experiencing, which specifically referenced the discriminatory treatment by Defendant McCormick.

19. In or about November of 2011, Plaintiff was terminated by Defendants for untrue reasons because of his race and/or because he engaged in protected activity by making complaints of racial discrimination.

20. As a result of Defendants' aforementioned actions, Plaintiff suffered damages.

Count I
Violation(s) of 42 U.S.C. Section 1981
([1] Racial Discrimination / [2] Retaliation – Wrongful Termination)
- Against All Defendants -

21. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

22. Plaintiff was treated in a demeaning manner and treated disparately with respect to policies and work assignments because of his race (African-American).

23. Plaintiff also believes that a factor in his termination may have been his race based upon Defendants disparate treatment set forth herein.

24. Plaintiff engaged in protected activity by complaining about racial discrimination and was terminated within close proximity of his complaints of racial discrimination.

25. Plaintiff was terminated in retaliation for his complaint(s) of racial discrimination within Defendants.

26. These actions as aforesaid constitute violations of 42 U.S.C. Section 1981.

WHEREFORE, Plaintiff prays that this Court enter an Order providing that:

A. Defendants are to be prohibited from continuing to maintain their illegal policy, practice or custom of discriminating/retaliating against employees and is to be ordered to promulgate an effective policy against such unlawful acts and to adhere thereto;

B. Defendants are to compensate Plaintiff, reimburse Plaintiff and make Plaintiff whole for any and all pay and benefits Plaintiff would have received had it not been for Defendants' illegal actions, including but not limited to past lost earnings, future lost earnings, salary, pay increases, bonuses, medical and other benefits, training, promotions, pension, and seniority. Plaintiff should be accorded those benefits illegally withheld from the date he first suffered retaliation/interference at the hands of Defendants until the date of verdict;

C. Plaintiff is to be award punitive damages, as permitted by applicable law, in an amount determined by the Court or trier of fact to be appropriate to punish Defendants for their willful, deliberate, malicious and outrageous conduct and to deter Defendants or other employers from engaging in such misconduct in the future;

D. Plaintiff is to be accorded any and all other equitable and legal relief as the Court deems just, proper and appropriate, including but not limited to, emotional distress and/or pain and suffering damages (where legally permitted);

E. Plaintiff is to be awarded the costs and expenses of this action and reasonable legal fees as provided by applicable federal and state law;

F. Any verdict in favor of Plaintiff is to be molded by the Court to maximize the financial recovery available to the Plaintiff in light of the caps on certain damages set forth in applicable federal law; and

G. Plaintiff's claims are to receive trial by jury to the extent allowed by applicable law. Plaintiff has also endorsed this demand on the caption of this Complaint in accordance with Federal Rule of Civil Procedure 38(b).

Respectfully submitted,

KARPF & KARPF, P.C.

By: 

Ari Karpf
3331 Street Road
Two Greenwood Square
Suite 128
Bensalem, PA 19020
(215) 639-0801

Dated: December 28, 2011

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Elonza Hart

CIVIL ACTION

v.

Connect America.com, LLC, et al.

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

1/3/2012

Date

Ari R. Karpf

Attorney-at-law

Plaintiff

(215) 639-0801

(215) 639-4970

akarpf@karpf-law.com

Telephone

FAX Number

E-Mail Address

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1511 N. 5th Street, Philadelphia PA 19131
 Address of Defendant: 2193 West Chester Pike, Broomall PA 19008
 Place of Accident, Incident or Transaction: Defendants place of business
 (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☐
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☐

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

- I, Ari R. Karpf, counsel of record do hereby certify:
- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 1/3/2012

Attorney-at-Law

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

ARK2484

Attorney I.D.# 91538

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 1/3/2012

Attorney-at-Law

ARK2484

Attorney I.D.# 91538

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

HART, ELONZA

(b) County of Residence of First Listed Plaintiff Philadelphia

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Karpf, Karpf & Cerutti, P.C., 3331 Street Road, Two
Greenwood Square, Suite 128, Bensalem, PA 19020
(215) 639-0801, akarpf@karpf-law.com

DEFENDANTS

CONNECT AMERICA.COM, LLC, et al.

County of Residence of First Listed Defendant Delaware

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☒ 3 Federal Question
(U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

☐ 110 Insurance☐ 120 Marine☐ 130 Miller Act☐ 140 Negotiable Instrument☐ 150 Recovery of Overpayment & Enforcement of Judgment☐ 151 Medicare Act☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)☐ 153 Recovery of Overpayment of Veteran's Benefits☐ 160 Stockholders' Suits☐ 190 Other Contract☐ 195 Contract Product Liability☐ 196 Franchise☐ 210 Land Condemnation☐ 220 Foreclosure☐ 230 Rent Lease & Ejectment☐ 240 Torts to Land☐ 245 Tort Product Liability☐ 290 All Other Real Property

PERSONAL INJURY

☐ 310 Airplane☐ 315 Airplane Product Liability☐ 320 Assault, Libel & Slander☐ 330 Federal Employers' Liability☐ 340 Marine☐ 345 Marine Product Liability☐ 350 Motor Vehicle☐ 355 Motor Vehicle Product Liability☐ 360 Other Personal Injury

PERSONAL INJURY

☐ 362 Personal Injury - Med. Malpractice☐ 365 Personal Injury - Product Liability☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY

☐ 370 Other Fraud☐ 371 Truth in Lending☐ 380 Other Personal☐ 385 Property Damage☐ 385 Property Damage Product Liability

610 Agriculture

☐ 620 Other Food & Drug☐ 625 Drug Related Seizure of Property 21 USC 881☐ 630 Liquor Laws☐ 640 R.R. & Truck☐ 650 Airline Regs.☐ 660 Occupational Safety/Health☐ 690 Other

710 Fair Labor Standards Act

☐ 720 Labor/Mgmt. Relations☐ 730 Labor/Mgmt. Reporting & Disclosure Act☐ 740 Railway Labor Act☐ 790 Other Labor Litigation☐ 791 Empl. Ret. Inc. Security Act☐ 462 Naturalization Application☐ 463 Habeas Corpus - Alien Detainee☐ 465 Other Immigration Actions

422 Appeal 28 USC 158

☐ 423 Withdrawal 28 USC 157☐ 820 Copyrights☐ 830 Patent☐ 840 Trademark

861 HIA (1395ff)

☐ 862 Black Lung (923)☐ 863 DIWC/DIWW (405(g))☐ 864 SSID Title XVI☐ 865 RSI (405(g))

870 Taxes (U.S. Plaintiff or Defendant)

☐ 871 IRS—Third Party 26 USC 7609

400 State Reapportionment

☐ 410 Antitrust☐ 430 Banks and Banking☐ 450 Commerce☐ 460 Deportation☐ 470 Racketeer Influenced and Corrupt Organizations☐ 480 Consumer Credit☐ 490 Cable/Sat TV☐ 810 Selective Service☐ 850 Securities/Commodities/Exchange☐ 875 Customer Challenge 12 USC 3410☐ 890 Other Statutory Actions☐ 891 Agricultural Acts☐ 892 Economic Stabilization Act☐ 893 Environmental Matters☐ 894 Energy Allocation Act☐ 895 Freedom of Information Act☐ 900 Appeal of Fee Determination Under Equal Access to Justice☐ 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

☒ 1 Original Proceeding☐ 2 Removed from State Court☐ 3 Remanded from Appellate Court☐ 4 Reinstated or Reopened☐ 5 Transferred from another district (specify)☐ 6 Multidistrict Litigation☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42USC1981

Brief description of cause:

Violations of 42USC1981 and applicable state law(s).

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S)

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

1/3/2012

DATE

SIGNATURE OF ATTORNEY OF RECORD